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MONTANA DEPARTMENT OF COMMERCE



DIVISION OF BUSINESS & PROFESSIONAL LICENSING

**HANDBOOK
FOR
BOARD
MEMBERS**

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HELENA, MT 59620

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Handbook for board members.



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TED SCHWINDEN
GOVERNOR

State of Montana
Office of the Governor
Helena, Montana 59620

Montana has a strong tradition of citizen involvement in the administration of state government. An important part of that tradition is citizen participation in the deliberations of state boards.

As a member of a regulatory board, you have special responsibility to ensure that our citizens receive honest and competent services from the regulated professions and occupations, while avoiding any more government regulation than is absolutely necessary to protect public health and safety. It is a demanding task, requiring wisdom and fairness.

The Department of Commerce has prepared this manual to give you basic insights into the purposes and functions of state regulatory and licensing boards and their staffs. I hope you will refer to it often in developing board policies.

Sincerely,

A handwritten signature in cursive script, reading "Ted Schwinden".

TED SCHWINDEN
Governor

DEPARTMENT OF COMMERCE



TED SCHWINDEN GOVERNOR

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STATE OF MONTANA

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HELENA, MONTANA 59620-0401

Welcome to the Department of Commerce. I appreciate your willingness to devote time and energy to the work of one of our advisory or regulatory and licensing boards. I think you will find your role as a board member interesting and challenging.

The Department has prepared this Handbook to help you understand the functions of boards in state government. It will serve as a ready reference as you deal with board issues.

It takes time to develop the knowledge and experience necessary to become an effective board member. Do not hesitate to let other board members or staff know when you need further information before participating in a board decision.

As Director of the Department of Commerce, I try to keep informed about matters that are of importance to board members, licensees, regulated industries, and the public. I hope you will feel free to call me if you want to discuss your concerns about any board issue during your tenure.

Good luck!

A handwritten signature in black ink, appearing to read "Gary Buchanan", is written over the typed name and title.

Gary Buchanan
Director



ACKNOWLEDGMENTS

I would like to thank the Oregon Department of Commerce; the Administrators of the Montana Department of Commerce; and the Legal Staff of the Montana Department of Commerce for their unending assistance and support in preparing this Handbook for Board Members.

ISABELLE PISTELAK, Administrator
Division of Business
and Professional Licensing
Department of Commerce
1424 9th Avenue
Helena, Montana 59620

Handbook Compiled by
Elois Myers

TABLE OF CONTENTS

YOUR ROLE AS A BOARD MEMBER	4
The Appointment Process.	4
Representation	4
Basic Board Responsibilities.	4
Public Members	5
Effective Participation.	5
Choosing a Chairperson	6
Conducting a Meeting	6
Restrictions	7
BOARD RESPONSIBILITIES AND ACTIVITIES	8
Types of Boards.	8
Board Activities	8
Testing	8
Discipline.	9
Hearings.	9
Attorney General Support.	10
Rulemaking.	10
Budgeting	11
Recommending Legislation.	12
Self Assessment	13
Staff Responsibilities	14
SUMMARY OF PERTINENT LAWS AND POLICIES.	16
Unfair Trade Practices Act	16
Administrative Procedures Act.	16
Public Records Law	16
Open Meetings Law.	16
Government Ethics Law.	16
Conflict of Interest	18
Sunset Law	20
Lobby Disclosure Act	21
Personal Liability	21
Expenses and Compensation.	22
SPECIAL INFORMATION ABOUT YOUR BOARD.	23
APPENDICES	
Robert's Rules of Order Summary.	A-1 thru A-9
How a Bill Becomes Law	B-1 thru B-4
Department of Commerce Organization Chart.	C-1
Map of Helena.	D-1
Map of Capitol Area.	E-1

INDEX

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100

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100

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100

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YOUR ROLE AS A BOARD MEMBER

THE APPOINTMENT PROCESS

You have been appointed to serve on a Montana advisory or licensing and regulatory board because of your ability, experience, and interest in serving. Your job as a board member will be to protect the general public and regulate the industry or occupation by exercising good judgement at all times.

Tenures are established by individual board statutes and may vary from board to board (i.e. years of licensed experience, occupation or position, residence, number of public members, etc.). The Governor receives appointment recommendations from many sources. The Governor always gives primary consideration to the ability of the prospective appointee to contribute to the work and the effectiveness of the board.

An appointee becomes an official member of the board after the Oath of Office has been signed and filed with the Secretary of State's Office. Senate Confirmation of new board members will be requested during a regularly scheduled Legislative Session.

REPRESENTATION

Whether you are a public member or a member of a profession, your job as a board member is to serve the general public and regulate the industry or occupation. You have been appointed to represent the people of Montana and to use your best judgment in their interest.

If you were recommended for your board appointment by a professional or occupational group, you will be expected to provide the board with your technical expertise when needed, and to convey the point of view of the group to the board. However, you were not appointed to serve as the representative of the group, and when the group's interests conflict with those of the general public, you will work for the benefit of the public first, with the good of the profession or industry taking a secondary position.

BASIC BOARD RESPONSIBILITIES

The public has the right to expect that regulatory agencies will operate for its protection, and that any licensees will be qualified to perform properly and safely. All persons deserve fair treatment from a state board in settling disputes that may arise under the board's jurisdiction.

Any person who wishes to earn his or her living in an occupation or profession should not be unreasonably prevented from doing so, and should be provided with information and assistance to obtain the necessary license or certification.

Part of your responsibility is to listen to other board members and consider their views, so that the board works as a cohesive group in determining good policies and procedures and finding fair solutions to problems.

PUBLIC MEMBERS

In a sense, all board members are "public members", since the first goal of a board is consumer protection.

Many Department boards have positions that are designated by law as "public member" positions. These members are an important part of the boards, representing the Montana Consumer's point of view. Although public members are not expected to be technically expert or experienced in the licensed occupation or industry, they participate fully in most board activities.

Some public members may feel intimidated by professional members' experience in the field, while some professional members may fear that public members will impede board activity because they do not understand the issues. These fears will disappear when board members become aware that they complement one another in performing the work of the board. Public members' special sensitivity to the well-being of persons not in the regulated profession brings an added perspective to practitioner groups' interest in preserving high standards for their profession.

EFFECTIVE PARTICIPATION

Effective board members have these characteristics in common:

- They are able to work with a group to make decisions.
- They understand and follow democratic processes.
- They are willing to devote time and effort to the work of the board.
- They work to find alternative solutions to problems whenever necessary.
- They have good communication skills.
- They recognize that the goal of the board is the service and protection of the public.
- They are aware that authority is granted by the law to the board as a whole, not to any member individually, and can only be used in open meeting or executive session by vote of the majority of board members.
- They avoid becoming involved in the daily functions of staff.
- They delay making judgments until adequate evidence is in and has been fully discussed.
- They don't let personal feelings toward others affect their decisions.

You have demonstrated your interest in public service. Your consistent attendance is essential so you will be informed about what is going on and can make knowledgeable contributions to board discussions. It is important that you prepare for meetings by reading reports, proposals, and other documents prepared by staff. If you are not sure about something, you should feel free to ask for enough information to make your recommendation or decision.

CHOOSING A CHAIRPERSON

The Chairperson serves as stimulator, coordinator, and organizer of the meeting. It is the Chairperson's responsibility to see that the purposes of the meeting are carried out efficiently and effectively.

Department of Commerce boards usually elect new chairpersons every year. It is important that you, as a voting member of your board, make your choice based on qualities of leadership that will accomplish this goal.

Sometimes a chairmanship will go to the member who has been on the board for the longest time. You should recognize that not all board members are suited to this type of responsibility. It is not a matter of friendship or loyalty, but a common sense approach to accomplishing the board's work effectively. If you are considering asking your board to select you as chairperson, you must ask yourself if you have the additional time to devote to these responsibilities and if you would be comfortable with the requirements of the position.

CONDUCTING A MEETING

The Chairperson should know the following factors in advance:

- The general purpose and specific objectives of the meeting.
- The expected attendance of members, spectators, and other participants.
- The procedure for accepting public participation.

The Chairperson works with the administrative staff to prepare an agenda specifying the topics to be discussed or decided at the meeting. Many boards feel comfortable about delegating responsibility for the agenda and other meeting arrangements to the administrative staff. Public notice of the meeting must be given 24 hours (or more) before the meeting (see Public Meetings section of PERTINENT LAWS).

Commerce boards generally have an established procedure for conducting meetings; the following typical order of business is a useful way to move a meeting forward:

- Call to Order.
- Approval of the agenda and any proposed additions.
- Approval of the minutes.
- Reports of standing committees.
- Reports of special committees.
- Unfinished business.
- New business
- Other business (announcements, etc.)
- Adjournment

Motions are handled as follows:

- State each motion after it is moved and seconded (an early motion helps to focus the discussion).
- Call for discussion.
- Restate the motion before the vote
- Call for the vote
- Announce the results of the vote

Department boards operate under the "Strong Chair" concept used by the Legislature. Members address the Chair and must be recognized before speaking. It is the responsibility of the Chairperson to protect board members' time from outsiders' interruptions which prolong the meeting. All board meetings are open to the public, but not necessarily open to public participation. Nonmembers attending meetings sometimes will need to be reminded that the board may conduct its work without participation by the audience if it so desires. If such persons want to have the board discuss an issue not on the agenda, or if they have information about a listed issue, they should contact the Chairperson or staff in advance so that time can be planned for their participation.

It is important to be sure that the board considers all sides of a question. The Chair should try to draw all members into the discussion.

You will find for your information, a more detailed discussion of Robert's Rules of Order in the APPENDIX section of this Handbook.

RESTRICTIONS

You must be aware of certain restrictions on board members:

- No board member should represent that he or she can make decisions or take unilateral action without board approval. Decisions are made only by the board as a whole.
- Inquiries about board issues should be directed to the board's administrative staff, who will see that all the board members receive full information at a duly constituted meeting.
- No details of board investigations or matters dealt with in executive session should be disclosed by a board member unless they are part of the public record.
- Board members should use caution about participating in private discussions with either party to a dispute to be heard by the board. Section 2-4-613 prohibits such consultation when a contested case hearing is pending or going on.
- Board members should remember that they are seen as representatives of the board when they appear at industry or professional gatherings. They must take care not to appear to be speaking for the board unless specifically authorized by the board to do so.

BOARD
RESPONSIBILITIES
AND ACTIVITIES

BOARD RESPONSIBILITIES

Since a board's primary function is to protect the public health, safety, and welfare, you must look at issues from the standpoint of their impact on those who use the services of the regulated profession or occupation and the general public, as well as on the regulated group. The board's procedures ought to encourage openness and accountability. Wherever possible, boards should avoid restricting choices available to consumers.

Every state board is created to meet a specific need in the management of state government. Some are mandated by the Legislature as policy making boards; others are appointed by agencies for advisory or study purposes. Over 181 appointed board members serve on 32 boards in the Department.

There are three main types of boards. Some boards may be a mixture of types. The purpose and scope of each board is determined by the state law that created it.

Policymaking Boards are given statutory power by the Legislature to develop policy decisions and enforce regulations. In some cases they hire their own personnel.

Advisory Boards can be created by the Governor, the Legislature, or the Director of the Department. These boards study existing policy and make recommendations for change or implementation. They do not have the power to make or enforce rules, but their research often contributes to effective changes in state regulation.

Licensing Boards examine and license members of a profession or occupation to practice in the state. Some also have the power to discipline, etc. In the exercise of such functions, the board exercises a quasi-judicial function involving hearing individual cases and ruling on them. In those instances, an aggrieved party has access to a direct appeal in State District Courts. Many licensing boards are also policymaking boards.

BOARD ACTIVITIES

Testing

A good testing program for a licensing board accurately measures an applicant's knowledge of those parts of the work that are essential for the protection of the public. Constructing a good test is a skill learned from specialized study and experience. Since a person's right to make a living in the occupation of his/her choice is involved, it is especially important that the licensing examination be fair, and that it measure only essential knowledge.

For this reason, a licensing test should be constructed -- or at least reviewed -- by test experts. Many boards use national examinations for their occupation, and these have usually been validated by professional testing organizations.

All boards administering licensing exams should consider ways to remove obstacles, like inconvenient locations and language barriers, which stand in the way of test takers.

- A board might let candidates know why they failed. The notification of test results can identify specific areas where scoring was low. Some boards invite these applicants to have a personal discussion with a member of the board or staff.
- When a candidate fails only part of an examination, he/she might not necessarily be required to take the whole exam again, but might retake just the failed portion, with the license granted as soon as all parts are passed. - Subject to the Board's rules or the testing service, where applicable.
- There should be a fair way for candidates to appeal answers with which they disagree.

Boards using national examinations may be able to influence their national organization to make changes in any unfair questions or procedures they perceive.

Board members must remember that it is not the function of their board to keep new licensees out; it is to ensure that licensees have met a minimum level of competency according to statutory requirements.

Discipline

Each licensing board allocated to the department has the authority to revoke, suspend or take other lesser disciplinary action as provided by law after an opportunity for hearing or any license, registration or certification they grant. Section 37-1-136, MCA has extended the disciplinary authority of licensing boards to adopt rules for placing a licensee on probation, reprimand or censure of a licensee or taking any other action in relation to disciplining a licensee as the board in its discretion considers proper. This section also gives the authority to enjoin a person from engaging in the practice of the occupation or profession regulated by the board until a license to practice is procured.

Hearings

A hearing is an opportunity afforded to all parties to respond and present evidence and argument on all issues involved with the hearing. A hearing is preceded by a notice of opportunity for hearing and a short statement of the matters or issues to be heard; reference to the particular sections of the statutes or rules involved; statement of legal authority and jurisdiction under which hearing will be held; statement of time, place, and nature of hearing and a statement that a formal proceeding may be waived pursuant to 2-4-603, MCA. If the individual objects to the proposed board action, written notice must be filed with the Director requesting a hearing within the time allowed in the notice, usually 20 to 30 days.

At this point the matter becomes a contested case. The Director then appoints an impartial hearing examiner who is an attorney, usually from the Agency Legal Services Bureau attached to the Attorney General's office. The hearing is conducted in a formal matter with all sides allowed to be represented by attorneys. Board members may or may not be present at the actual hearing. A transcript is kept of the hearing by a hearing reporter.

The hearing examiner will issue findings of fact, conclusions of law and recommended order after the hearing and time lapse for filing of briefs by all attorneys. The board after due consideration will issue findings of fact, conclusions of law and order. This order is subject to appeal. Informal disposition may be made of any contested case by stipulation, agreed settlement, consent order or default. Procedure is found in the Montana Administrative Procedure Act. 2-4-702, MCA places specific requirements on licensees for requesting judicial review of agency decisions.

Attorney General Support

The Attorney General is an elected official who advises state agencies on legal matters. A written Attorney General Opinion expresses what the Attorney General presumes the Supreme Court would say if confronted with the same question. It is advisory to the agency. If the board follows the advice of the Attorney General, this virtually assures board members and the agency immunity from personal liability. An Attorney General's Opinion has the same effect as law until overturned by a court or changed by the legislature. By the same token, failure to follow the Attorney General's advice leaves the board member subject to personal liability.

All boards have an attorney from the Department assigned to work with them. The board may request the following assistance from its attorney:

- Assurance that board decisions are within the scope of the board's statutory authority.
- Review of proposed regulations and revisions; draft these documents in legally correct language.
- Presentation of evidence in support of complaints and cross-examine witnesses in disciplinary hearings.
- Attendance at meetings to give legal advice.

There is a charge for all advice and services of the Department's legal staff. All requests for legal advice and services should come through the board administrative staff, who monitors the expenditures of the board for budget compliance, and is also in the best position to know if the needed information is already available.

Rulemaking

Most boards are required to adopt administrative rules under the Administrative Procedure Act. These rules have the effect of law; they are used to amplify or clarify the statutes which govern the board's activities. They affect many people, so it is important to make sure they are adopted properly.

Any individual or group can petition a board or the Department to promulgate, or repeal a rule, or the board itself may initiate a rule or rule change in response to a pattern of problems. Any board that makes rules or issues orders must follow the Administrative Procedure Act. Once the rules are adopted they must be followed. Following is a common procedure for writing administrative rules:

- a. The board's administrative staff, working with the board, develops the proposed rules keeping these guidelines in mind:
 - The board must have legal authority to adopt the rule, and may adopt only rules that are supported by statutes, and are not exceeding statutory authority.
 - The board must take into account the economic impact of the proposed rule on consumers and affected businesses, industries, and occupations.
 - The board may not adopt a rule which violates the law or the constitution.
 - The board must comply with statutory requirements for rule-making procedures.
- b. The board reviews and approves the proposed rules.
- c. The board's legal counsel from the Department's legal staff should be asked to review the proposed rules.
- d. Public notice is given of the intent to adopt the proposed rules.
- e. A public hearing may be held to hear testimony on the proposed rules.
- f. The Administrative Code Committee reviews the proposed rules and may also call for a hearing where the public interest is deemed served.
- g. The board considers the comments received either written or presented at the hearing and acts on the proposed rules, either adopting them in whole or part or rejecting them.
- h. The rules as adopted are sent to the Secretary of State for filing and public notice is given that the rules have been adopted by the board.

Budgeting

The boards and their administrative staff prepare individual budget requests which become part of the Department budget. Budgeting is a long and involved process usually beginning about a year before the start of the biennium. The administrative staff reviews their budgets with their boards before submission. The Governors Office of Budget and Program Planning reviews the Department's budget and may approve, reject, or amend all or part of the budget package. The budget approved by the Governors Office becomes part of the Governor's recommended budget presented to the Legislature.

The office of the Legislative Fiscal Analyst also reviews the budget requests and makes recommendations to the Legislature.

Approval of the budget is one of the principal issues of every session of the Legislature. Appropriation bills follow the same procedures as other bills; the Appropriation Sub-Committee conducts hearings and receives testimony on the budget requests. When the budget has been approved by both houses of the Legislature, it is signed by the Governor and becomes law. (How a Bill Becomes Law - Appendix B1)

The legislatively approved biennial budget is administered by state agencies beginning on July 1 of every odd-numbered year. The budget specifies how much money an agency can spend, and how the money is spent.

State agency budget money comes from three sources:

A General Fund agency usually gets its operating money from taxes. Budget approval means such an agency is authorized to spend a certain amount of tax money for its operation. This authorization is called an appropriation.

State agencies may be partly funded by federal taxes. They must get permission from the Legislature to apply for this money (federal grants). A federal grant may be a gift to the state or may require that the state provide matching funds.

Earmarked fund agencies get their operating money from license fees, permit fees, etc., which have been established by the Legislature or APA rules to support those agencies. Budget approval for Earmarked Funded agency means the money it can spend from its income source is limited to a certain amount, called an appropriation.

It is important for you to understand that, although your board may receive its funding from fees paid by the occupation or profession you regulate, practitioners and their associations do not control the way the money is spent. It is not "their" money. The authority for all agency expenditures remains with the Legislature.

If your administrative staff finds during a biennium that your board needs more authority to spend available funds because of an unforeseen situation, he or she or the board may ask for a budget amendment from the Governor's Office. These requests must be coordinated through the Department Centralized Services Division on an emergency basis only.

RECOMMENDING LEGISLATION

Some boards work with the Legislature in changing and developing state law. As a board member, you may testify before legislative committees and advise legislators on issues which concern you and your Board. Be careful not to identify yourself as a spokesperson for your board without previous board approval.

Legislation proposed by Department boards and divisions may be submitted in one Department legislative package. The Department submits its legislative package to the Office of the Legislative Council which coordinates the Governor's legislative program for all state agencies and boards. Revisions may be requested if necessary.

When revised drafts have been approved by the Legislative Council and the Governor's Office, the bill becomes part of the legislative package the Governor submits to the Legislature.

The chart in the APPENDIX Section, How a Bill Becomes Law, gives a graphic description of the many steps a bill goes through before becoming law. (-B1-)

Tracking the bills that relate to your board and coordinating testimony before legislative committees is one of the functions best performed by the board administrative staff. They are fully acquainted with the legislative process and should always be consulted before approaching legislators.

SELF ASSESSMENT

Periodic self-assessment will help your board maintain the legislative intent that established it. The following checklist may be useful in carrying out a regular review of your board's functions.

1. Is there a need for regulation?

- When did regulation of the profession or occupation begin, and for what reasons? Does the need still exist?
- Are the rules promulgated by the board consistent with the statutes and legislative intent?
- Is the implementation (guidelines, procedures, etc.) consistent with the rules?
- Section 2-4-314, MCA provides for at least a biennial review of rules.

2. Does the board promote and protect the public interest?

- Are there contacts with consumer groups, where appropriate?
- What mechanisms encourage consumer participation in decision-making?
- Are due process protections provided to applicants, licensees, and the public?
- Is the board making itself known to, and open to the public? Do any members of the general public attend meetings?
- How are board meetings, activities, and decisions publicized?
- Does the board or its administrative staff produce an annual report summarizing its activities? Would the average citizen understand the report and be able to judge how well the board is doing its job? Where does the report place its emphasis?

3. Is the board involved in consumer education?

- Are consumers informed of their rights? Are they informed of ways to get help when their rights have been violated?
- Is information made available to help consumers avoid problems by knowing what to expect when they deal with members of your profession or occupation?

4. Does the board provide protection against deceptive practices, negligence, and incompetence?

- Are records of complaints kept to indicate patterns of abuse?
- What actions does the board take to discipline licensees?
- Are they fair to licensees and to consumers?

5. Does the board avoid engaging in practices that limit competition?

- Does the licensing process unduly restrict entry into the profession or occupation?

6. Is the board operating efficiently?

- Do meetings start on time? Do members arrive on time consistently?
- Do members attend regularly? Do they notify the chair or staff when they are not coming or will be late? Are they aware of quorum requirements?
- Are minutes of the previous meeting mailed promptly?
- Does the board spend much time in routine administrative items that could be taken care of by staff?
- Do board members study written background material prepared by staff before coming to meetings?
- Is the board meeting at a time most convenient for the members? Does it meet too often? Not often enough?

7. Does the board allow others to take up too much of its meeting time?

- Do licensees or those connected with the occupation sit with the board and participate in its discussions and decisions?
- Are people from the audience making comments when they are not part of the scheduled presentation at meetings?

STAFF RESPONSIBILITIES

Board members are not expected to perform day-to-day administrative functions. Certain responsibilities are delegated to administrative staff who are usually assisted by clerical staff. Some boards have additional professionals to perform investigations, conduct hearings, carry out inspections, etc.

The following responsibilities are usually delegated to the administrative staff:

1. Board meeting details:
 - Prepare agenda in consultation with chairperson.
 - Prepare background information for board study.
 - Direct preparation of minutes.
 - Make all meeting arrangements: location, public notice, etc.
2. Carry out policy decisions of the board.
3. Process complaints.
4. Supervise clerical and coordinate work of other professional staff.
5. Administer examinations and grade examinations, unless the board determines that experts or professionals are necessary to administer or grade a particular examination. Section 37-1-101(4), MCA.
6. Communicate with the Director, the Division Administrator, the Bureau Chief and the Staff Attorney, the licensee and public.
7. Design forms used to conduct the board's business.
8. Prepare budget requests and budget amendment requests.
9. Monitor income and expenditures to comply with legislative approved budget.
10. Work with the board to develop proposed rules.
11. Provide information to the board about proposed legislation:
 - Track bills during legislative session.
 - Coordinate testimony before legislative committees.
12. Handle administrative details for disciplinary actions taken by the board.
13. Represent the board before legislative committees and professional, occupational, and public groups.

Always remember that your board's administrative staff is a trained professional who is capable of handling these details, so board members can devote their time and energies to matters of policy and board procedure that carry out the statutes.

PERTINENT LAWS
AND POLICIES

SUMMARY OF PERTINENT LAWS AND POLICIES

You will want to know about the following laws and policies affecting your activities as a board member:

1. Title 2, Chapter 15 created your board and governs its activities.

Each board has its own statute which spells out the purpose of the board, number of members and how they are appointed, qualifications for board service, length of term, and general powers and duties of the board. The same statute chapter also regulates the profession, occupation or activity which the board oversees.

2. Unfair Trade Practices Act. (30-14-101 et seq.)

Defines the protections for the public against unfair and deceptive practices in the sale of consumer goods and services and in certain types of fund solicitation. While the law is not enforced by regulatory boards, the standards for fraudulent and deceptive practices may be of value to boards in their consideration of conduct by regulated individuals and organizations.

3. Administrative Procedure Act. (2-4-101 et seq.)

Provides a comprehensive procedure which state agencies must follow in adopting, amending, repealing, or interpreting rules, and in conducting contested case hearings.

4. Public Access to Minutes Law. (2-3-212, MCA)

Defines matters which are to be contained in board minutes and provides for public access to those minutes.

5. Open Meetings Law. (2-3-203, MCA) (also known as "Sunshine Law")

Specifies the requirements for open meetings, the circumstances under which a board may hold a closed meeting, and the requirements for keeping written minutes of all meetings. All Department boards are subject to the Open Meetings Law.

A meeting of a governmental entity must be public (conducted in the presence of any member of the public who is interested in attending) -- with certain exceptions -- discussion relating to individual privacy (if the party agrees) and discussion with respect to collective bargaining or litigation. This rule includes telephone conference calls. Open Meetings must be publicly announced at least 24 hours in advance of the meeting, and announcements must contain the time and place of the meeting and the major agenda items.

6. Code of Ethics for Public Officers and Employees. (2-2-105, MCA)

As a member of a board, you are conducting the public's business; therefore, you are responsible to the public in all your activities on the board. Montana law has established guidelines and restrictions which will help you to serve the public interest fairly and objectively.

The following sections are excerpted from the Code of Ethics enacted by the 45th Montana Legislature. This Code of Ethics came into effect on July 1, 1977. Questions about the meaning or application of the Code should be addressed to the Department Director or the Governor's Office.

2-2-101. Statement of Purpose. The purpose of this part is to set forth a code of ethics prohibiting conflict between public duty and private interest as required by the constitution of Montana. This code recognizes distinctions between legislators, other officers and employees of state government, and officers and employees of local government and prescribes some standards of conduct common to all categories and some standards of conduct adapted to each category. The provisions of this part recognize that some actions are conflicts per se between public duty and private interest while other actions may or may not pose such conflicts depending upon the surrounding circumstances.

2-2-102. Definitions. As used in this act the following definitions apply:

(1) "Business" includes a corporation, partnership, sole proprietorship, trust or foundation, or any other individual or organization carrying on a business, whether or not operated for profit.

(2) "Compensation" means any money, thing of value, or economic benefit conferred on or received by any person in return for services rendered or to be rendered by himself or another.

(3) "Employee" means any temporary or permanent employee of the state or any subdivision thereof, or member of the judiciary, including a member of a board, commission, or committee except a legislator and an employee under contract to the state.

(4) "Financial interest" means an interest held by an individual, his spouse, or minor children which is:

(a) an ownership interest in a business;

(b) a creditor interest in an insolvent business;

(c) an employment or prospective employment for which negotiations have begun;

(d) an ownership interest in real or personal property;

(e) a loan or other debtor interest; or

(f) a directorship or officership in a business;

(5) "Official act" or "official action" means a vote, decision, recommendation, approval, disapproval, or other action, including inaction, which involves the use of discretionary authority.

(6) "Public officer" includes any state officer except a legislator or member of the judiciary or any elected officer of any subdivision of the state.

(7) "State agency" includes the state; the legislature and its committees; all executive departments, boards, commissions, committees, bureaus, and offices; the university system; and all independent commissions and other establishments of the state government; except the courts.

(8) "State officer" includes all elected officers and directors of the executive branch of state government as defined in 82A-103.

2-2-103. Public trust. (1) The holding of public office or employment is a public trust, created by the confidence which the electorate reposes in the integrity of public officers, legislators, and employees. A public officer, legislator, or employee shall carry out his duties for the benefit of the people of the state.

(2) A public officer, legislator, or employee whose conduct departs from his fiduciary duty is liable to the people of the state as a trustee of property is liable to a beneficiary under 72-20-203(2) and shall suffer such other liabilities as a private fiduciary would suffer for abuse of his trust. The county attorney of the county where the trust is violated may bring appropriate judicial proceedings on behalf of the people. Any moneys collected in such actions shall be paid to the general fund of the aggrieved agency.

(3) The following sections set forth various rules of conduct, the transgression of any of which is, as such, a violation of fiduciary duty, and various ethical principles, the transgression of any of which is not, as such, a violation of fiduciary duty.

2-2-104. Rules of conduct for all public officers, legislators, and employees. (1) Proof of commission of any act enumerated in this section is proof that the actor has breached his fiduciary duty. A public officer, legislator, or employee may not:

(a) disclose or use confidential information acquired in the course of his official duties in order to further substantiate his personal economic interests; or

(b) accept a gift of substantial value or a substantial economic benefit tantamount to a gift;

(i) which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties; or

(ii) which he knows or which a reasonable person in his position should know under the circumstances is primarily for the purpose of rewarding him for official action he has taken.

(2) An economic benefit tantamount to a gift includes, without limitation, a loan at a rate of interest substantially lower than the commercial rate then currently prevalent for similar loans and compensation received for private services rendered at a rate substantially exceeding the fair market value of such services. Campaign contributions reported as required by statute are not gifts or economic benefits tantamount to gifts.

2-2-105. Ethical principles for public officers and employees.

(1) The principles in this section are intended as guides to conduct and do not constitute violations as such of the public trust of office or employment in state or local government.

(2) A public officer or employee should not acquire an interest in any business or undertaking which he has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by his agency.

(3) A public officer or employee should not, within the months following the voluntary termination of his office or employment, obtain employment in which he will take direct

advantage, unavailable to others, of matters with which he was directly involved during his term or employment. These matters are rules, other than rules of general application which he actively helped to formulate and applications, claims or contested cases in the consideration of which he was an active participant.

(4) A public officer or employee should not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when he has a substantial financial interest in a competing firm or undertaking.

2-2-121. Rules of conduct for state officers and state employees.

(1) Proof of commission of any act enumerated in this section is proof that the actor has breached his fiduciary duty.

(2) A state officer or a state employee may not:

(a) use state time, facilities, or equipment for his private business purposes;

(b) engage in a substantial financial transaction for his private business purposes with a person whom he inspects or supervises in the course of his official duties;

(c) assist any person for a fee or other compensation in obtaining a contract, claim, license, or other economic benefit from his agency;

(d) assist any person for a contingent fee in obtaining a contract, claim, license, or other economic benefit from any state agency; or

(e) perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which he either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent.

(3) A department head or a member of a quasi-judicial or rule-making board may perform an official act notwithstanding subsection (2)(e) if his participation is necessary to the administration of a statute and if he complies with the voluntary disclosure procedures under 59-1710.

(4) Subsection (2)(d) does not apply to a member of a board, commission, council, or committee unless he is also a full-time state employee.

2-2-131. Voluntary disclosure. A public officer or employee may, prior to acting in a manner which may impinge on his fiduciary duty, disclose the nature of his private interest which creates the conflict. He shall make the disclosure in writing to the Secretary of State, listing the amount of his financial interest, if any, the purpose and duration of his services rendered, if any, and the compensation received for the services or such other information as is necessary to describe his interest. If he then performs the official act involved, he shall state for the record the fact and summary nature of the interest disclosed at the time of performing the act.

2-15-121. Allocation for administrative purposes only. (1) An agency allocated to a department for administrative purposes only in this chapter shall:

(a) exercise its quasi-judicial, quasi-legislative, licensing, and policymaking functions independently of the department and without approval or control of the department;

(b) submit its budgetary requests through the department;

(c) submit reports required of it by law or by the governor through the department;

(2) The department to which an agency is allocated for administrative purposes only in this title shall:

(a) direct and supervise the budgeting, record keeping, reporting, and related administrative and clerical functions of the agency;

(b) include the agency's budgetary requests in the departmental budget;

(c) collect all revenues for the agency and deposit them in the proper fund or account. Except as provided in 37-1-101, the department may not use or divert the revenues from the fund or account for purposes other than provided by law.

(d) provide staff for the agency. Unless otherwise indicated in this chapter, the agency may not hire its own personnel.

(e) print and disseminate for the agency any required notices, rules, or orders adopted, amended, or repealed by the agency.

(3) The department head of a department to which any agency is allocated for administrative purposes only in this chapter shall:

(a) represent the agency in communications with the governor;

(b) allocate office space to the agency as necessary, subject to the approval of the department of administration.

Members of some boards are also subject to federal conflict of interest laws and regulations. Your board administrative staff will also let you know if you must submit information to the federal government.

7. Sunset Law. (2-8-101)

The 1977 Legislature passed a law, commonly referred to as the "sunset law", which terminates numerous regulatory boards and agencies. The Legislative Audit Committee is required to conduct a performance review of each agency terminated by the sunset law. The performance review must objectively review the need for each regulatory board/agency and offer recommendations for reestablishment, modification, or termination.

The sunset law also requires an examination of the following questions during the conduct of the committee's review:

1. Would the absence of regulation significantly harm or endanger the public health, safety, or welfare?
2. Is there a reasonable relationship between the exercise of the state's police power and the protection of the public's health, safety, or welfare?
3. Is there another less restrictive method of regulation available which could adequately protect the public?

4. Does the regulation have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?
5. Is the increase in cost more harmful to the public than the harm which could result from the absence of regulation?
6. Are all facets of the regulatory process designed solely for the purpose of, and have as their primary effect, the protection of the public?

Using the information contained in the audit report and that gathered during a public hearing, the committee will address these six questions. During the hearing process, testimony and comments will be heard from the board/agency, the profession, and interested members of the public.

In defining legislative intent, the sunset law states that by requiring periodic evaluation in the form of a performance review, the legislature will be in a better position to insure that agencies and programs exist only to be responsive to state residents' needs.

In the past, agencies and programs continued to operate unless the legislature took action to eliminate them. The process is reversed under Sunset, and agencies and programs will discontinue unless the Legislature takes action to continue them. If the Legislature votes not to abolish an agency, it will be reviewed again six years later.

8. Lobby Disclosure Act. (5-7-101, MCA et seq.)

"Lobbying" includes the practice of promoting or opposing the introduction or enactment of legislation or promoting or opposing official action by a public official.

"Lobbying for hire" is someone who is paid more than \$1,000 per calendar year to lobby.

No individual may practice as a lobbyist unless he or she is licensed by the Commissioner of Political Practices. These laws do not deprive any citizen not lobbying for hire of his right to communicate with public officials.

9. Personal Liability. (2-9-101, MCA, et seq.)

You are protected by state insurance coverage against civil liability incurred as a result of your work on a board. The Legislature has established that public officials, including board members, will be defended at no expense to them by the Attorney General, and that any judgment will be paid by the state.

The only exceptions are instances where the official acts: outside the scope of duty; in willful neglect of duties specifically authorized; in bad faith; or with malice, or corruption, or contrary to the advice of the Attorney General's Office.

10. Expenses and Compensation. (Sec. 37-1-133, MCA)

Most board members are entitled to payment for attending board business. This payment depends upon the laws that govern your board.

Board members are not included in the state retirement system.

Members of boards generally receive travel expenses insured in the performance of official duties if funds are available in the board's budget. Compensation for these expenses is set by the Legislature. To maintain solid financial management and control of the board's funds, no board member should incur out-of-town travel expense without prior approval by the board. (See Special Information for your board)

Out-of-state travel must be approved by the Bureau Chief and Division Administrator before the trip. Board members attending conferences should share the content of the conference with the entire board.

Your board administrative staff will give you more specific information and help you complete the necessary forms for your expense reimbursement check.

SPECIAL
INFORMATION
ABOUT YOUR BOARD

SPECIAL INFORMATION ABOUT YOUR BOARD

Overview of Each Board's Program

Duties and Responsibilities of Board and Staff

Copy of Statute(s)

Copy of Administrative Rules

Current Roster of Board Members

Recent Board Meeting Minutes

Calendar of Future Board Meetings

Copy of Travel Claim (example)

Copy of Current Travel Rates

Copy of MOM Re: High Cost Cities

Use of Telephone Credit Cards

APPENDICES

RULES OF PARLIAMENTARY
PROCEDURE

Based on Robert's Rules of Order (1977 Edition)

Developed as a simplified guide for

BOARD MEETINGS

by

DEPARTMENT OF COMMERCE

STATE OF MONTANA

A POSTSCRIPT TO THE PRESIDING OFFICER:

The rules of parliamentary procedure are meant to help, not hinder. Applied with common sense, they should not frustrate the meeting or entangle it in red tape. Retain control at all times, give clear explanations, and keep things as simple as possible. Good advice from the chair as to the wording of motions and the best way to proceed will avoid needless complications. When in doubt, your rule should be: Respect the wishes of the majority, protect the minority and do what seems fair and equitable.

RESPONSIBILITIES OF THE CHAIR

1. Recognize board members entitled to speak or propose motions. Note: some motions may be made while another member has the floor. Speaker must state the purpose of the interruption so the chair can rule on its validity.
2. Restate motions after they have been seconded, then open discussion.
3. Close discussion and put motions to vote. Votes on undebatable motions should be put immediately. If any member objects to closing discussion on a debatable motion, a 2/3 vote is required to order closing a debate. Restate the motion exactly as it was made or amended before calling for a vote.
4. Announce the result of a vote immediately. A tie vote defeats a motion requiring a majority of those voting. The chair may vote to make or break a tie.
5. Avoid entering into any controversy or interfering with legitimate motions.
6. Maintain order and proper procedure, making necessary rulings promptly and clearly.
7. Expedite board business in every way compatible with the rights of board members. You can allow brief remarks on undebatable motions, advise board members how to take action (proper motion or form of motion), or order proposed routine action without a formal vote ("If there is no objection, the minutes will stand approved as read. Hearing no objection, so ordered").
8. Protect the board from frivolous motions whose purpose is to obstruct the board's business. You can refuse to entertain such motions. Never adopt such a course, however, merely to expedite business.
9. Guard the board's time by having them vote to adopt an agenda at the beginning of the meeting. Follow the agenda faithfully. Do not permit unauthorized interruptions by spectators.

PRINCIPLES OF PARLIAMENTARY LAW

1. Parliamentary procedure requires that all board members have equal rights; there be mutual respect among board members; the rights of the minority to initiate motions, debate, and have their votes counted be protected, while at the same time the will of the majority governs.
2. Only one item may be under consideration at a time.
3. The majority vote decides the questions.
4. Any question which limits board members' rights of discussion or changes the agreed order of business requires a 2/3 vote of the members present.
5. Any matter once decided cannot be brought up again at the same meeting, except by a motion to reconsider (see Section 2 for procedure).
6. The simplest, clearest and most expeditious way is considered proper, as long as it does not violate the rights of board members.

PROPOSING AND DISPOSING OF A MOTION

1. Gain floor by being recognized by chair.
2. State motion: "I move that . . ."
3. Motion is seconded by any member without gaining floor.
4. Chair states motion (if proper) and opens it for discussion (if debatable).
5. During discussion the motion may be amended or disposed of by postponement (to a time certain or indefinitely), referral to a committee, or tabling.
6. The chair puts the motion to a vote when there is no further discussion.
7. The chair announces the outcome of the vote.

MOTIONS

1. MOTION TO TAKE FROM TABLE

Requires second	majority vote	not debatable not amendable
-----------------	---------------	--------------------------------

Purpose: To bring up for consideration an issue that has been laid on the table.

Effect of adoption: Puts motion before board again in exactly the same condition as when laid on table.

2. MOTION TO RECONSIDER

Requires second	majority vote	debatable not amendable
-----------------	---------------	----------------------------

Purpose: To set aside a previous vote and reconsider the question for adoption or rejection.

Restrictions: Used only if vote cannot be reversed with more simple procedures.

Motion must be made by member who voted on the prevailing side.

May not be made later than the next meeting after the vote to which it applies.

If action has already been taken, vote cannot be reversed.

Motion may be made when another member has the floor, but its consideration is the same as for a main motion.

Effect of motion: Stops any action authorized by the original vote.

Effect of adoption: Sets aside original vote, puts matter back to where it was just before that vote was taken.

3. MAIN MOTION

Requires second	majority vote	debatable amendable
-----------------	---------------	------------------------

Purpose: To bring an issue up for consideration or action.

Effect of adoption: Action authorized.

4. MOTION TO POSTPONE INDEFINITELY

Requires second	majority vote	debatable not amendable
-----------------	---------------	----------------------------

Purpose: To kill main motion without a formal vote; trial vote to test strength.

4. MOTION TO AMEND A MOTION

Requires second	majority vote	debatable* amendable
-----------------	---------------	-------------------------

Purpose: To put motion in most acceptable form before voting on it, by striking out or inserting words or substituting one paragraph or motion for another.

Restrictions: An amendment to a pending amendment may be proposed, but not an amendment to the third degree.

No idea already inserted by an amendment may be changed by a later amendment.

Any germane amendment is in order as long as it is not identical in effect to a no vote on the main motion.

*Not debatable if motion to which it applies is not debatable.

Effect of adoption: Changes the wording of the pending motion.

6. MOTION TO REFER TO A COMMITTEE

Requires second	majority vote	debatable amendable
-----------------	---------------	------------------------

Purpose: To have a matter studied by a committee.

Form: Motion may include membership of committee and instructions to it, and may be amended with respect to these matter.

Effect of adoption: Disposes of motion until committee reports back or is discharged by the board.

7. MOTION TO POSTPONE DEFINITELY

Requires second	majority vote	debatable amendable
-----------------	---------------	------------------------

Purpose: To put off action on a motion until a later time.

Form: Motion must specify time at which matter will be taken up again and may be amended in this regard.

Effect of adoption: Disposes of matter until time set.

8. MOTION TO LIMIT DEBATE OR EXTEND LIMITS

Requires second	2/3 vote	not debatable amendable
-----------------	----------	----------------------------

Purpose: To regulate length of time a question may be discussed or length of time allotted to each speaker.

Form: Motion states limits and may be amended in this regard.

9. MOTION ON PREVIOUS QUESTION

Requires second	2/3	not debatable not amendable
-----------------	-----	--------------------------------

Purpose: To have discussion ended immediately and a vote taken.

Form: May specify only the immediately pending question, or all pending questions.

Effect of adoption: Chair must immediately put question to a vote and allow no further discussion.

NOTE: This motion should not be confused with the call for the "question" which is only a suggestion that the board members are ready to vote, and may not be used to deprive any board member of the right to continue the discussion if desired.

10. MOTION TO LAY ON THE TABLE

Requires second	majority vote	not debatable not amendable
-----------------	---------------	--------------------------------

Purpose: To set a matter aside temporarily. May be moved even after the previous question has been ordered.

Effect of adoption: Matter on table may be brought up again, but not later than the next meeting, by adoption of a main motion to take it off the table.

11. MOTION RELATING TO VOTING

Requires second	majority vote	not debatable amendable
-----------------	---------------	----------------------------

Purpose: To provide for manner of voting (i.e., by ballot, voice, show of hands), order in which questions will be voted upon, appointment of tellers, etc.

12. QUESTION OF ORDER

No second	decision of chair	not debatable not amendable
-----------	-------------------	--------------------------------

Purpose: To ask that a rule that is being violated be observed.

Form: Floor is gained, even while another is talking, by stating, "Chairperson, I rise to a point of order". Chair asks member to state point, then rules whether point is well taken.

If point accepted: Chair makes ruling.

If not accepted: Chair overrules point of order.

13. DIVISION OF BOARD

No second	no vote necessary	not debatable not amendable
-----------	-------------------	--------------------------------

Purpose: To secure a recount of a vote by a more accurate method than originally.

Form: Board member, without recognition, says, "I call for a division."

Effect of motion: Chair must retake vote by show of hands or rising vote which can be counted.

14. APPEAL CHAIR'S DECISION

Requires second	majority vote	debatable not amendable
-----------------	---------------	----------------------------

Purpose: To overrule a decision made by the chair.

Form: "Chairperson, I appeal from the decision of the chair."

Restrictions: Must be made as soon as the decision is announced. Debatable if pending question is debatable. Can be laid on the table, which takes the pending question with it.

Effect of adoption: If less than majority sustain chair, decision is reversed.

15. MOTION TO RECESS

Requires second	majority vote	not debatable not amendable*
-----------------	---------------	---------------------------------

Purpose: To provide a short interruption of the meeting.

*Amendable: As to length of recess.

Restrictions: Treated as a main motion if no other matter pending or if proposed recess is not to be taken immediately.

16. MOTION TO ADJOURN

Requires second	majority	not debatable not amendable
-----------------	----------	--------------------------------

Purpose: To end the meeting immediately.

Restrictions: Treated as a main motion if qualified in any way.

Effect of adoption: Chair must adjourn meeting immediately, although necessary announcements may be made and a motion to fix a time for the next meeting may be entertained.

17. MOTION TO FIX TIME FOR NEXT MEETING

Requires second	majority vote	not debatable amendable
-----------------	---------------	----------------------------

Purpose: To set time for next meeting (either regular or special).

Restrictions: Treated as main motion if no other question pending, or if provision has already been made for another meeting on this day or the next.

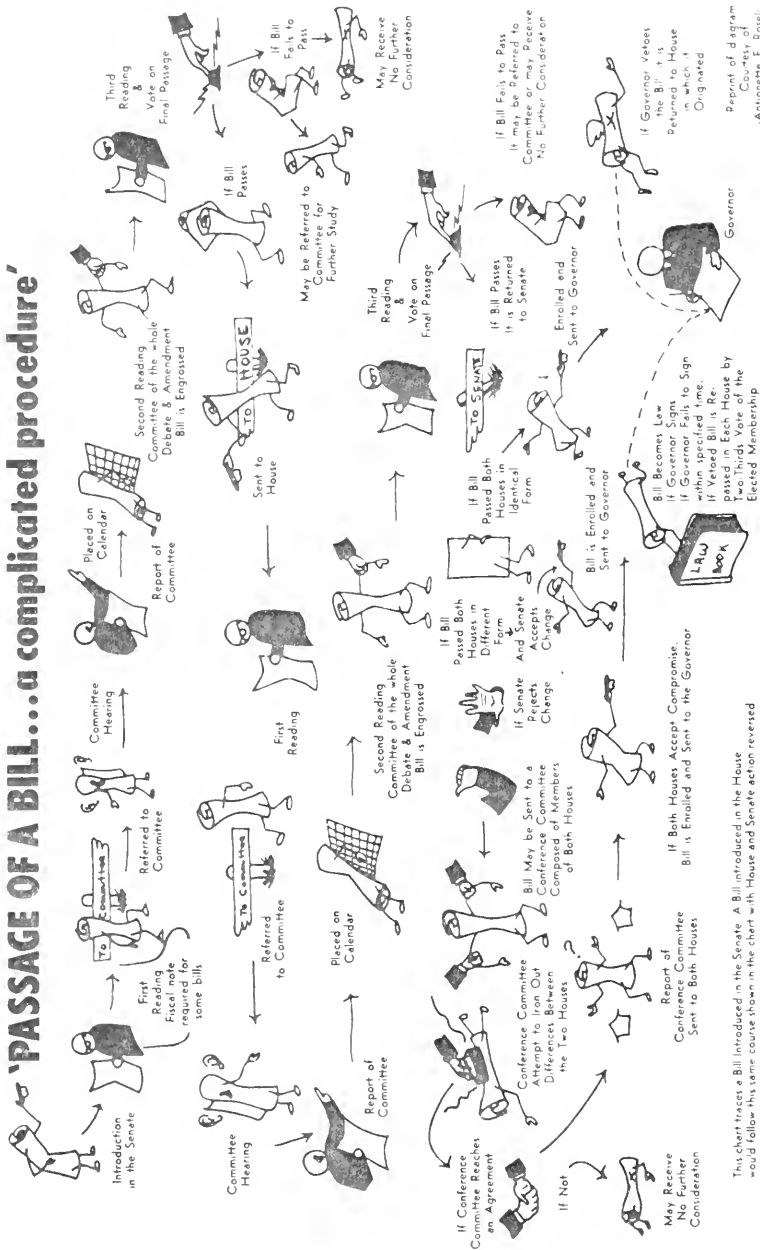
SUMMARY OF MOTIONS

17. FIX TIME FOR NEXT MEETING	Requires Second	Not Debatable	Amendable	Majority Vote
16. ADJOURN	Requires Second	Not Debatable	Not Amendable	Majority Vote
15. RECESS	Requires Second	Not Debatable	Amendable	Majority Vote
14. APPEAL DECISION	Requires Second	Not Debatable	Not Amendable	Majority Vote
13. DIVISION OF ASSEMBLY	Requires No Second	Not Debatable	Not Amendable	No Vote
12. POINT OF ORDER	Requires No Second	Not Debatable	Not Amendable	Chair Rules
11. MOTION ON VOTING	Requires No Second	Not Debatable	Amendable	Majority Vote
10. LAY ON TABLE	Requires Second	Not Debatable	Not Amendable	Majority Vote
9. PREVIOUS QUESTION	Requires Second	Not Debatable	Not Amendable	2/3 Vote
8. LIMIT DEBATE	Requires Second	Not Debatable	Amendable	2/3 Vote
7. POSTPONE DEFINITELY	Requires Second	Debatable	Amendable	Majority Vote
6. REFER TO COMMITTEE	Requires Second	Debatable	Amendable	Majority Vote
5. AMEND MAIN MOTION	Requires Second	Debatable	Amendable	Majority Vote
4. POSTPONE INDEFINITELY	Requires Second	Debatable	Not Amendable	Majority Vote
3. MAIN MOTION	Requires Second	Debatable	Amendable	Majority Vote
2. RECONSIDER*	Requires Second	Debatable	Not Amendable	Majority Vote
1. TAKE FROM TABLE	Requires Second	Not Debatable	Not Amendable	Majority Vote

* May be made at any time, even though another member has the floor, but is only considered when nothing else is pending.

Any motion shown on the chart takes precedence over motion with a lower number -- that is, a motion is in order even though a motion below it on the list is pending; it is not in order if a motion above it on the list is pending. The last motion made (motion highest on list) is always voted on before earlier motions (motions lower on list).

'PASSAGE OF A BILL...a complicated procedure'



This chart traces a Bill introduced in the Senate. A Bill introduced in the House would follow the same course shown in the chart with House and Senate action reversed.

Step 1. Filing. Bill is filed for introduction with Clerk of the House or Secretary of the Senate.

Step 2. First reading. Bill's title is posted and it is ordered printed on white paper.

Step 3. Committee reference. Bill is referred to proper committee by House Speaker or Senate President. Referral is posted.

Step 4. Committee consideration. Committee holds public hearing on bill, then discusses it. May vote to amend bill.

Step 5. Committee report. Committee reports its recommendation that bill "do pass", "do pass as amended", or "do not pass".

Step 6. Placed on calendar. Simple "do pass" and "do not pass" reports are printed as such in the journal. The text of amendments reported by the committee is printed in full. Bills receiving favorable reports are printed on yellow paper, incorporating any reported amendments, and placed on calendar for second reading. Bills with "do not pass" reports are not placed on the second reading calendar unless a motion is made to that effect and passed. If "do not pass" report is adopted, bill drops out of further consideration.

Step 7. Second reading. Entire body debates bill, as the "Committee of the Whole". Amendments may be offered and voted on. Bill defeated here drops out of further consideration.

Step 8. Placed on third reading calendar. Bill approved by Committee of the Whole is ordered printed on blue paper, incorporating all amendments made up to that point. (This is known as an "engrossed" bill.)

Step 9. Third reading. Bill subjected to a simple "yes" or "no" vote by entire body, in which (by constitutional requirement) each member's vote must be recorded and printed in the journal. No amendments may be considered. Bill defeated here drops out of further consideration.

Step 10. Transmittal to other house. Same as filing Step 1, except the other house works with the blue copy.

Step 11. First reading. Summary of title and history is posted.

Step 12. Committee reference. See Step 3.

Step 13. Committee consideration. See Step 4.

Step 14. Committee report. Second-house committee phrases a

favorable report as "be concurred in", or "be concurred in, as amended". Unfavorable report is "be not concurred in".

Step 15. Placed on calendar. Same as Step 6, except that instead of a yellow-paper copy, the bill is prepared for second reading with committee amendments printed on green (House) or pink (Senate) sheets. Bills with unfavorable reports are not placed on calendar unless the committee recommendation is reversed by the full body. Bills as a whole not revised.

Step 16. Second reading. Same as Step 7.

Step 17. Placed on third reading calendar. Same as Step 8, except reference bill is reprinted on buff-colored paper to include all amendments made in second house.

Step 18. Third reading. Same as Step 9.

Step 19. Bill passed by both houses in identical form. Enrolled and sent to governor.

Step 20. Bill passed by both houses in differing forms.

The second house returns a bill to the house of origin approved with amendments, sent with a message requesting concurrence in the amendments.

The question is voted in the Committee of the Whole, (e.g.) "shall the (Senate) amendments to (House) Bill No. be concurred in?" If the vote in the house of origin is in favor of concurrence, the bill is enrolled.

If a motion is made and adopted that the amendments not be concurred in, the originating house will usually request conference committees (or it may send a message to the second house asking it to recede from its amendment). If a conference is sought, a motion is made to authorize the House Speaker or Senate President to appoint a conference committee (regular or free) to meet with a like committee from the other house to resolve the differences. (Regular conference committees may consider only the disputed amendments; free conference committees may revise any part of the bill.) This action, if approved, is communicated to the second house in a message, and the second house then appoints a conference committee in the same manner.

Step 21. Conference committee reports. If conferees settle differences, each contingent reports to its parent body that the bill be further amended in some fashion or that one house recede from amendment and then approved. Adoption of the report means the

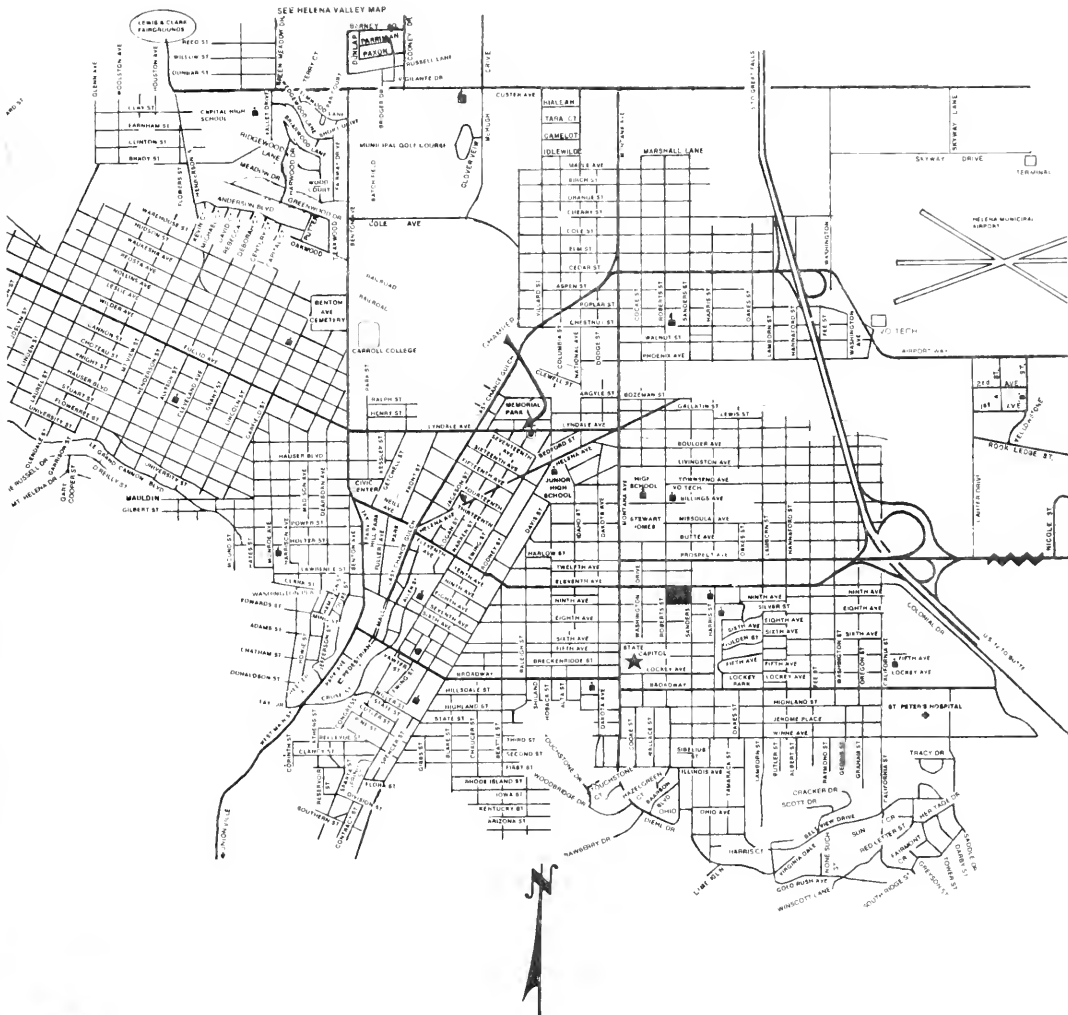
house approves the bill as the conferees recommend.

If conferees cannot settle differences, they report their disagreement and either body may ask that a new conference committee be appointed.

Step 22. Enrolling. Bill is checked for accuracy and Legislative Council assigns code section numbers to new provision of law.

Step 23. Governor's desk. Governor either signs or vetoes bill, or allows it to become law without his signature. Legislature may vote to override vetoes if it has not adjourned. (Refer to State Constitution, Article VI, section 10.)

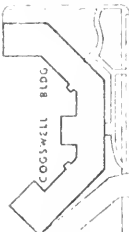
MAP OF HELENA



Department of Commerce 1424 9th Avenue

BROADWAY

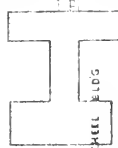
OVERHOPS MANSION



ESC BOARD OF HEALTH

LOCKEY

LIVESTOCK BLDG



MITCHELL BLDG

S2S

ST

BUDGET PROGRAM PLANNING

BOILER PLANT



VETERANS MUSEUM



CODES



SIXTH

CARSON



TEACHERS RETIREMENT



FISH & GAME

AVENUE

WASHINGTON



TRAVEL COMMISSION UNIT

MONTANA

CAPITOL COMPLEX

SCALE 1" = 100'

RECORDS MANAGEMENT



MOTOR POOL

9th Avenue

Department of Commerce

INDEX

Administrative Procedure Act	16
Appointment Process.	4
Attorney General Support	10
Board Activities	8
Board Responsibilities	4, 8
Budgeting.	11
Choosing a Chairperson	6
Code of Ethics	16
Compensation	22
Conducting a Meeting	6
Conflict of Interest	18
Discipline	9
Effective Participation.	5
Expense Reimbursement.	22
Government Ethics Law.	17
Hearings	9
How a Bill Becomes Law	Appendix B-1 thru B-4
Lobby Disclosure Act	21
Map of Capitol Area.	Appendix E-1
Map of Helena.	Appendix D-1
Open Meetings Law.	16
Organization Chart, Department of Commerce	Appendix C-1
Personal Liability	21
Pertinent Laws and Policies.	16
Public Members	5
Public Records Law	16
Representation	4
Restrictions	7
Recommending Legislation	12
Robert's Rules of Order Summary.	Appendix A-1 thru A-9
Role of Board Member	4
Rulemaking	10
Self Assessment.	13
Special Information About your Board	23
Staff Responsibilities	14
Sunset Law	20
Testing.	8
Types of Boards.	8
Unfair Trade Practices Act	16

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